United Nations A/71/72

General Assembly

Distr.: General
14 March 2016

Original: English

Seventy-first session
Item 113 (d) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 12 February 2016 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Saudi Arabia to the United Nations presents its compliments to the President of the General Assembly and, with reference to the candidature of Saudi Arabia to the Human Rights Council for the term 2017-2019, has the honour to forward herewith the voluntary pledges and commitments of the Government of Saudi Arabia (see annex).

* A/71/50.

16-04075 (E) 220316

Please recycle

Annex to the note verbale dated 12 February 2016 from the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the General Assembly

[Original: Arabic]

Candidacy of Saudi Arabia for membership of the Human Rights Council for the period 2017-2019

Introduction

1. The principles on which Saudi Arabia is founded are derived from the Islamic sharia, under which it is an obligation to protect human rights and to cooperate in the protection and promotion thereof. In view of that obligation, Saudi Arabia offers itself as a candidate for membership of the Human Rights Council for the period 2017-2019. Its candidacy is also based on its belief in the important role the Council plays in improving the situation of human rights in the world and in keeping with its responsibility to contribute to strengthening and enhancing the Council's performance, so that it can carry out its work without selectivity or politicization. It should be noted that Saudi Arabia has thrice served as a member of Council since its establishment in 2006 and served as an observer State in 2013. Saudi Arabia has made every effort to ensure the success of the Council's work, comply with its resolutions, cooperate with its mechanisms and contribute to enhancing its performance.

2. The commitment of Saudi Arabia to promote and protect human rights at the national and international levels is an embodiment of the commitment to the constitutional principles on which governance in the country is based. The Basic Law of Governance, article 8, provides that government in Saudi Arabia shall be based on justice, consultation and equality, in accordance with the Islamic sharia. In addition, article 26 provides that the State must protect human rights, in accordance with the Islamic sharia. The Basic Law of Governance also includes other principles and provisions aimed at promoting and protecting human rights. Moreover, the commitment of Saudi Arabia to protecting human rights fulfils its undertakings pursuant to the human rights instruments to which it is a party. By promoting human-centred sustainable development efforts, the country continues to make progress in promoting and protecting human rights. That progress is further demonstrated by the strengthening of the legal and institutional framework of human rights, including through the enactment and development of human rights laws, the establishment of institutions for the protection and promotion of human rights, and the creation of effective means and mechanisms for redress, as well as other legislative and executive measures.

I. Promoting and protecting human rights at the national level

A. Strengthening the legal and institutional framework of human rights

3. The laws of Saudi Arabia include provisions that are explicitly aimed at promoting and protecting human rights. The most significant of those laws are the

Basic Law of Governance, the Judiciary Act, the Ombudsman Act and the Code of Criminal Procedure, as well as other laws related to justice. Other laws, such as those concerning labour, health, education, and social security, include provisions that reflect in detail the principles set out in the Basic Law of Governance. Many legislative and executive measures aimed at promoting and protecting human rights have been taken during the country's current membership of the Human Rights Council. Following are some of the most significant of those measures:

Act concerning Civil Society Organizations and Institutions

4. The Act concerning Civil Society Organizations and Institutions, which was promulgated by Royal Decree No. 8 of 19 Safar A.H. 1437 (1 December A.D. 2015), is aimed at promoting, regulating and protecting the work of civil society organizations; enhancing national development; promoting citizens' participation in shaping and developing society; promoting a culture of volunteerism among members of society; and achieving social solidarity. The Act provides that 10 persons may establish an organization, instead of the 20 that were required previously. It furthermore provides that, in order to speed up procedural matters, authorizations can be obtained within 60 days of the completion of a request to establish an organization.

Amendment of the Labour Act

5. Royal Decree No. 46 of 5 Jumada II A.H. 1436 (25 March A.D. 2015) approved the amendment of several provisions of the Labour Act that was promulgated by Royal Decree No. 51 of 23 Sha'ban A.H. 1426 (27 September A.D. 2005). One of the most significant of those amendments provides that should an employer subcontract a job, or a portion thereof, to any natural or legal person, the subcontracted person shall grant the employees the same rights and privileges accorded to them by the original employer, and that no employee may be transferred without his written consent from his original place of employment to another location if such a transfer would oblige him to change residence. The amended Act also makes it illegal to make an employee work for more than five consecutive hours without giving him a period of at least half an hour during the working day in which to rest, pray and eat.

Act on the Protection of Children

6. The Act on the Protection of Children was promulgated by Royal Decree No. 14 of 3 Safar A.H. 1436 (25 November A.D. 2014). One of the most significant aspects of that Act is that it establishes a system to protect all persons less than 18 years old. The purpose of the system is to address any abuse, regardless of its form, and neglect to which children might be exposed, thereby reaffirming the rights of the child established by the Islamic sharia and the international instruments to which Saudi Arabia is a party.

Unemployment Insurance Act

7. The Unemployment Insurance Act, which was promulgated by Royal Decree No. 18 of 12 Rabi' I A.H. 1435 (13 January A.D. 2014), ensures that unemployed workers and their families are provided with a stipend to tide them over until a new

employment opportunity arises. Such assistance is provided according to specific conditions and without discrimination.

The Job-Creation and Unemployment Control Authority

8. The Job-Creation and Unemployment Control Authority was established pursuant to Council of Ministers decision No. 535 of 29 Dhu'lhijjah A.H. 1436 (12 October A.D. 2015). The Authority is subordinate to the President of the Council of Economic and Development Affairs and is responsible for creating jobs and controlling unemployment in Saudi Arabia by ensuring coordination between Government agencies and the private sector with regard to the labour market; promoting cooperation between the Government and the private sector; and developing those sectors of the economy that create jobs.

The Saudi Arabian Association of Lawyers

9. Approval to establish the Saudi Arabian Association of Lawyers was granted pursuant to Council of Ministers Decision No. 317 of 8 Rajab A.H. 1436 (27 April A.D. 2015). The Association is a professional organization with a distinct legal personality and financial liability. Pursuant to article 1 of its charter, the Association operates under the supervision of the Ministry of Justice. It aims to raise the professionalism of lawyers, ensure that they practise their profession well and raise lawyers' awareness of their professional duties. The Association also provides assistance to those who need it and technical advice in its area of competence.

B. International and regional human rights instruments

10. Saudi Arabia is a party to five of the principal United Nations human rights instruments: the Convention on the Rights of the Child and its two Optional Protocols (the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Saudi Arabia is also a party to a number of regional instruments, such as the Arab Charter on Human Rights and the Covenant on the Rights of the Child in Islam, and to 16 International Labour Organization conventions.

11. Saudi Arabia is currently considering acceding to those international instruments to which it has not yet acceded. Such matters are the responsibility of the Human Rights Commission. Pursuant to article 5 of its charter, the Human Rights Commission shall give its opinion regarding the accession of Saudi Arabia to international human rights instruments or with regard to the provisions of such instruments.

12. Reports submitted pursuant to treaty obligations are important because they are an effective tool for assessing the situation of human rights in States parties and provide a valuable opportunity to improve the situation of human rights in those States. It is also an international obligation of the State to report in a timely fashion pursuant to the relevant instrument. Accordingly, pursuant to Royal Decree

No. 13084 of 27 Rabi' I A.H. 1436 (18 January A.D 2015), a standing committee made up of a number of Government agencies was established. This committee is responsible for preparing the country's reports in relation to human rights instruments. It has been granted broad powers so as to enable it to prepare reports effectively and present them in a timely manner, and to follow up on the implementation of the obligations set out in such instruments and the recommendations made by United Nations treaty bodies.

C. Programmes and policies to promote and protect human rights

The tenth development plan

13. The tenth development plan, which covers the period A.H. 1436/37-A.H. 1440/41 (A.D. 2015-2019), includes a number of goals and policies to promote and protect human rights. Those goals and policies reinforce the link between the human person and development, because the human person is the central subject of development, as set out in the Declaration on the Right to Development of 1986. Following are some of the most significant of those goals and policies:

- Promotion of national unity, a goal that includes a range of policies, the most significant of which are: inculcating the concepts of moderation and dialogue, promoting justice and equality, and protecting human rights;
- Empowering women and increasing their contribution to various aspects of development by empowering them socially, economically and administratively;
- Fostering institutional reform, supporting civil society institutions and raising the competence and productivity of State institutions and their employees;
- Improving the effectiveness of services and public facilities offered to citizens and ensuring the adequate availability thereof in the various parts of the country;
- Providing high-quality, comprehensive and easily accessible health care to all citizens;
- Facilitating citizens' access to suitable housing by offering various programmes and options that meet demand;
- Providing suitable and adequate employment opportunities for the national labour force and controlling unemployment;
- Strengthening social safety nets and ensuring the welfare of families and children;
- Achieving balanced development among the various regions of the country;
- Inculcating the principles of accountability and transparency, fostering integrity and combating corruption;
- Fostering cultural life and enhancing the media profession, including by supporting publishing, translation and the publication of books, and by providing public libraries with a variety of cultural products.

The national human rights strategy initiative

14. Royal Order No. 13084 of 27 Rabi' I A.H. 1436 (18 January A.D. 2015) authorized the drafting of a national human rights strategy that is based on the Islamic sharia, the Basic Law of Governance, the regional and international instruments to which Saudi Arabia is a party and regional and international human rights declarations. The aim of the initiative is to lay out a general policy for raising awareness of human rights; foster a culture of human rights through a joint effort by Government agencies and civil society organizations, in order to reach as broad an audience as possible; review existing laws and regulations and propose the amendment or abolition thereof or the drafting of new laws that are in line with the international human rights instruments to which the country is a party; develop a mechanism to follow up on and address any allegations of human rights violations; and promote and enhance cooperation at the national, regional and international levels in respect of human rights.

D. The most significant administrative measures taken to promote and protect human rights

15. Many measures have been taken recently that promote and protect the rights of women and children, including:

- Royal Order No. 20 of 7 Safar A.H. 1436 (29 November A.D. 2014) concerning the establishment of a specialized committee to prepare a draft compendium of judicial rulings that covers the various areas of Islamic jurisprudence, including criminal matters;
- The implementing law for the amended Code of Penal Procedure was promulgated by Council of Ministers decision No. 142 of 21 Rabi' I A.H. 1436 (12 January A.D. 2015). The amended law contains a number of detailed provisions concerning the rights of the accused and how to deal with the accused during arrest, interrogation and referral for trial;
- A judicial training centre was established within the Ministry of Justice pursuant to Council of Ministers decision No. 162 of 24 Rabi' II A.H. 1435 (24 April A.D. 2014). The centre aims to enhance the competence and qualifications of judges, notaries, judges' assistants and other aides;
- The third round of municipal elections was held in A.H. 1436/1437 (A.D. 2015). The elections were monitored by civil society institutions and covered by local and international media outlets. Twenty-one women won election and 81 per cent of eligible women voters participated in the elections;
- The implementing law for the Act concerning Protection against Abuse was promulgated by Minister of Social Affairs decision No. 43047 of 3 Safar A.H. 1435 (9 March A.D. 2014). Under the Act, all public and private agencies must inform the Ministry of Social Affairs or the police without delay of any case of abuse that comes to their attention or is reported to them. The Act also provides that a centre to receive reports of abuse shall be established and that such reports must be addressed immediately by communicating with the victim and assessing the severity of the case;

- Seven shelters for abused women were established and three others are still being built;
- Building national capacity by implementing the memorandum of understanding that Saudi Arabia concluded with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in A.D. 2012. Many seminars and training courses were held for judges, prosecutors, lawyers, law enforcement officers, government officials and civil society organizations. Some studies on human rights were also conducted.

II. Promoting and protecting human rights at the regional and international level

16. Saudi Arabia is a founding member of many regional and international organizations, including the United Nations, the Organization of Islamic Cooperation and the League of Arab States. It has consistently supported all international and regional efforts aimed at maintaining international peace and security and promoting and protecting human rights, and has launched several initiatives in that regard. This is in keeping with its long-standing policy of rejecting oppression and other human rights violations, and calling for peace and cooperation, which benefit all of humanity. Saudi Arabia believes that maintaining international peace and security is contingent on promoting and protecting human rights. Realizing human rights at the international and regional levels helps ensure their realization at the national level. Saudi Arabia has helped to promote and protect human rights at the international and regional levels by supporting peace and stability at the regional and international levels, championing just causes, supporting the economies of developing countries and providing humanitarian aid and assistance. It has also cooperated with the Human Rights Council and United Nations human rights mechanisms. In that connection, following are some of the most significant contributions of Saudi Arabia:

- Upholding the purposes of the Charter of the United Nations, one of the most important of which is promoting international peace and security;
- Cooperating with the Human Rights Council by respecting its working procedures, adhering to its resolutions, presenting draft resolutions, participating in the drafting of resolutions and working effectively within the framework of the Council;
- Cooperating with the universal periodic review mechanism by submitting reports on time and accepting 80 per cent of the 295 recommendations that were made during the reviews of Saudi Arabia in 2009 and 2013, and striving to implement those recommendations;
- Cooperating with Human Rights Council special procedures mandate holders by welcoming them to visit Saudi Arabia and by responding to their substantive questions and guidance;
- Cooperating with OHCHR in accordance with the memorandum of understanding concluded between OHCHR and Saudi Arabia in A.D. 2012 by providing OHCHR with the information it needs to prepare its reports;

- Developing a mechanism for drafting reports required by treaty bodies by establishing a standing committee in A.H. 1436 (A.D. 2015) that includes those government agencies that are directly involved in human rights. This committee is responsible for preparing the reports of Saudi Arabia pursuant to the various human rights instruments to which it is a party. The committee is making preparations to present four reports, one concerning the International Convention on the Elimination of All Forms of Racial Discrimination; one concerning the Convention on the Elimination of All Forms of Discrimination against Women; and one on each of the two Optional Protocols to the Convention on the Rights of the Child concerning the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. Saudi Arabia has presented its second report relating to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its combined third and fourth reports on the Convention on the Rights of the Child and its first report on the Convention on the Rights of Persons with Disabilities and its Optional Protocol;

- Establishment of the King Salman Humanitarian Aid and Relief Centre in A.H. 1436 (A.D. 2015) as the specialized organization through which Saudi Arabia will make its humanitarian contributions and provide assistance to disaster-stricken countries;

- Donated $274 million to humanitarian assistance efforts in Yemen through the United Nations to meet the humanitarian needs of the Yemeni people, in response to the A.H. 1436 (A.D. 2015) United Nations appeal. Saudi Arabia has also provided direct assistance to Yemen through the King Salman Humanitarian Aid and Relief Centre. The country is the largest donor of humanitarian assistance to Yemen according to information provided by the United Nations Financial Tracking Service in November 2015, when contributions stood at $314 million. Some 13 million persons have benefitted from that assistance. In addition, Saudi Arabia, acting through the King Salman Humanitarian Aid and Relief Centre, provided some $244 million in humanitarian assistance for Yemen through nine organizations: the World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the World Health Organization, the United Nations Office for the Coordination of Humanitarian Assistance, the Food and Agriculture Organization, the United Nations Population Fund and the United Nations Development Programme;

- Provided $600 million in assistance to the Syrian people in 2011;

- Provided $500 million in assistance to WFP for an emergency response for Iraq in 2014;

- Launched and enacted initiatives to promote a culture of tolerance, peaceful coexistence and the rejection of racism at the regional and international levels. The most recent such initiative is reflected in the recommendations of the Islamic Solidarity Summit held in August 2012. Those recommendations include establishing a centre for dialogue among Islamic confessional groups;

- Acted as chair of the Advisory Board of the United Nations Counter-Terrorism Centre, and donated $110 million to the Centre in 2014;

- Participated in the work of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) through membership of its Executive Board;
- Participated in international and regional conferences and seminars on human rights.

III. Voluntary pledges pursuant to General Assembly resolution 60/251 on the Human Rights Council

17. The Kingdom of Saudi Arabia pledges to continue its efforts to promote and protect human rights in the country, the region and the world by:

- Continuing to implement its commitments under regional and international human rights instruments to which it is a party; continuing to consider accession to human rights instruments to which it has not yet acceded;
- Continuing to bolster the legal framework for the protection of human rights by adopting pertinent laws. A new law for juveniles is expected to come into force soon. It will provide the most robust protection for juveniles during arrest, investigation, trial and punishment;
- Reviewing the laws in force in order to ensure compliance with the country's commitments under international and regional human rights instruments;
- Adopting a national strategy to promote and protect human rights with the aim of moving beyond obligations and towards best practices in the area of human rights, with the involvement of all relevant stakeholders, including civil society institutions;
- Continuing to organize programmes to foster a culture of human rights and provide human rights education;
- Continuing to empower women in order to protect and promote their rights under the Islamic sharia and international laws and standards; combating negative stereotypes by intensifying awareness-raising activities and programmes;
- Supporting civil society, strengthening its role and enabling it to play a vital part in promoting and protecting human rights; involving civil society in preparing the reports of Saudi Arabia and reports for the universal periodic review;
- Cooperating with the Human Rights Council by taking an active role in its work; respecting its working procedures; implementing and complying with its resolutions; taking every action to promote and protect human rights, including, in particular, developing friendly relations among nations, fostering tolerance, peaceful coexistence and dialogue, rejecting racism and all forms of extremism, and strengthening cultural diversity;
- Cooperating with the universal periodic review mechanism and continuing to implement the recommendations made in the context of the A.D. 2009 and A.D. 2015 universal periodic reviews;

- Cooperating with Human Rights Council special procedures by responding to correspondence from mandate holders, welcoming them to the country and working with them.